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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Mag. Case No.: '08 MJ 8081
v.	COMPLAINT FOR VIOLATION OF:
Reynaldo SANCHEZ-Diaz (1)	Title 8, U.S.C., Section 1324(a)(1)(A)(ii) Illegal Transportation of Aliens and Title 18, U.S.C. Section 2, Aiding & Abetting
Michael BESS-Amarillas (2)	
Erik MEDELLIN-Lopez (3)	
Fortino AVILA-Canchola (4)	
Alfredo GARCIA-Ortega (5)	
~~Alfredo URIAS-Lopez (6)~~	
Defendants.	

1-28-08 PCL NO P.C.

The undersigned complainant, being duly sworn, states:

On or about January 26, 2008, within the Southern District of California, defendants Reynaldo SANCHEZ-Diaz, Michael BESS-Amarillas, Erik MEDELLIN-Lopez, Fortino AVILA-Canchola, Alfredo GARCIA-Ortega, ~~and Alfredo URIAS-Lopez~~ with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, Oscar Armando

PCL

GONZALEZ-Lorenzana, Vanessa Mavel MARTINEZ, and Jesus TOVAR-Venegas had come to, entered and remained in the United States in violation of law, did transport and move, said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and Title 18, U.S.C. 2, Aiding & Abetting.

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

MARCO A. MIRANDA
Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 28th DAY OF JANUARY 2008.

PETER C. LEWIS
United States Magistrate Judge

UNITED STATES OF AMERICA
v.
Reynaldo SANCHEZ-Diaz (1)
Michael BESS-Amarillas (2)
Erik MEDELLIN-Lopez (3)
Fortino AVILA-Canchola (4)
Alfredo GARCIA-Ortega (5)
Alfredo URIAS-Lopez (6)

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending officers, U. S. Border Patrol Agents M. Hernandez, J. Vega-Torres, S. Sedano, and M. Harrington on January 26, 2008, Reynaldo SANCHEZ-Diaz, a Legal Permanent Resident of the United States, was apprehended near Calexico, California as the driver of a Mercedes C-280, bearing California license 5ZQP766, as he smuggled one (1) undocumented alien into the Untied States. Michael BESS-Amarillas, a United States Citizen, was apprehended as the driver of a Ford F-150 Pick Up, bearing California license 6V88900, as he smuggled three (3) undocumented illegal aliens into the United States. Erik MEDELLIN-Lopez, a native and citizen of Mexico, was apprehended as a passenger inside BESS' vehicle who smuggled three (3) undocumented illegal aliens into the United States. Fortino AVILA-Canchola, a Legal Permanent Resident of the United States, Alfredo GARCIA-Ortega, a Legal Permanent Resident of the United States, and Alfredo URIAS-Lopez, a Legal Permanent Resident, of the United States were apprehended near Calexico, California, aboard an Oldsmobile Eighty-Eighty Royale, bearing California license 6CFH817, being driven by URIAS. All three subjects were arrested for their role in the smuggling scheme.

The (RVSS) Remote Video Surveillance System Operator, BPA M. Hernandez observed four suspected illegal aliens walk across the International Boundary into the Untied States and hide underneath the bridge at the Calexico Port of Entry. BPA Hernandez observed as the same four individual ran north along the All American Canal underneath the bride. BPA Hernandez notified agents regarding his observations. Agents Vega-Torres, Sedano, and Harrington responded to the area and gained visual of the group.

Agents Vega-Torres and Sedano observed one individual, a male wearing a white hooded sweater with the "Adidas" logo, leading the group. The individual was making hand gestures and signals appearing as if he was guiding the group. This subject was later identified as Erik MEDELLIN-Lopez. Agents Vega-Torres and Sedano observed as MEDELLIN hid the three suspected illegal aliens near some dumpsters located on the south parking lot of the USA Gas Station located on Maggio Road near the Calexico Commercial Port of Entry.

MEDELLIN met with another subject, later identified as Alfredo GARCIA-Ortega. Several minutes later, a green Mercedes with two occupants pulled into the USA Gas Station. One subject, later identified as Fortino AVILA-Canchola, exited the Mercedes and met with GARCIA. MEDELLIN left and returned to the dumpsters where the three suspected illegal aliens were hiding. The three suspected illegal aliens came out from the dumpsters and walked with MEDELLIN over to the USA Gas Station. Agent Harrington observed as MEDELLIN pointed to the green Mercedes and one of the suspected illegal aliens got inside the vehicle. The subject stayed inside the Mercedes, later identified as Reynaldo SANCHEZ-Diaz, drove northbound towards Highway 7.

Agent Harrington followed the Mercedes as it drove northbound on Highway 7. Agents Vega-Torres and Sedano continued surveillance of the two other suspected illegal aliens, MEDELLIN, GARCIA, and AVILA. SANCHEZ continued northbound on Highway 7 and proceeded westbound on Highway 98. Agent Harrington activated his service vehicle's emergency equipment consisting of lights and sirens. SANCHEZ pulled over to the side of the highway and stopped. Agent Harrington approached the Mercedes and identified himself as a United States Border Patrol Agent to the SANCHEZ, who was still sitting on the driver's seat behind the steering wheel. Agent Harrington questioned SANCHEZ as to his citizenship. SANCHEZ claimed to be a citizen of Mexico and Legal Permanent Resident of the United States. Agent Harrington also identified himself as a United States Border Patrol Agent to the passenger and questioned him as to his citizenship. The passenger claimed to be a citizen of Mexico without any documents that would allow him to live, work, or remain in the United States legally. SANCHEZ and the illegal alien were arrested and transported to the Calexico Border Patrol Station.

Agent Vega-Torres observed a green 1997 Ford F-150 Pickup being driven by a subject, later identified as Michael BESS-Amarillas, pull into the parking lot. BESS met with GARCIA and after a brief conversation they were joined by MEDELLIN along with the two remaining suspected illegal aliens. BESS, MEDELLIN, and the two suspected illegal aliens boarded the Ford Pickup and drove out of the parking lot.

Agent Sedano followed Ford F-150 as they traveled northbound on Highway 7 from the USA Gas Station. Agent Vega-Torres continued conducting surveillance on GARCIA and AVILA. BESS proceeded westbound on Highway 98. Agent Sedano activated his service vehicle's emergency equipment consisting of lights and sirens and attempted to perform a vehicle stop. BESS ignored the lights and sirens and continued traveling westbound on Highway 98. Agent Battaglini was able to successfully deploy the Controlled Tire Deflation Device deflating the two front tires. BESS continued driving westbound on Highway 98 and did not stop. Agent Hernandez was able to successfully deploy a second set of Controlled Tire Deflation Device, deflating the two rear tires of the Ford. BESS continued driving for approximately one mile before pulling over. Agent Sedano pulled next to the Ford and could clearly see BESS sitting on the driver's seat behind the steering wheel. Agent Sedano observed BESS, MEDELLIN, and the two suspected illegal aliens exit the Ford and begin running north through open agricultural fields. Agent Sedano was able to apprehend MEDELLIN and identified himself as a United States Border Patrol Agent. Agent Sedano questioned MEDELLIN as to his citizenship. MEDELLIN claimed to be a citizen of MEXICO without any immigration documents that would allow him to live, work, or remain in the United States legally. MEDELLIN was placed under arrest.

Agent Harrington was able to apprehend the two other suspected illegal aliens. Agent Harrington identified himself as a United States Border Patrol Agent to the two suspected illegal aliens and questioned them as to their citizenship. Both subjects claimed to be citizens of Mexico without any immigration documents that would allow them to live, work, or remain in the United States legally. Both subjects were placed under arrest. Agent Sedano apprehended BESS and identified himself as a United States Border Patrol Agent. Agent Sedano questioned

BESS as to his citizenship. BESS claimed to be a United States Citizen born in San Diego, California. BESS was also placed under arrest.

Agent Vega-Torres observed a white 1990 Oldsmobile Eighty-Eight Royale pull into the USA Gas Station. GARCIA and AVILA began a conversation with the driver of the Oldsmobile and boarded the vehicle. Agent Vega-Torres saw one male driving the vehicle later identified as, Alfredo URIAS-Lopez. Agent Vega-Torres followed the vehicle as it left the USA Gas Station. Agent Vega-Torres activated his service vehicle's emergency equipment consisting of lights and sirens. URIAS pulled over to the side of the road and stopped. Agent Vega-Torres identified himself as a United States Border Patrol Agent to URIAS, GARCIA, and AVILA. Agent Vega-Torres questioned each of the subjects regarding their citizenship. URIAS, GARCIA and AVILA claimed to be citizens of Mexico and Legal Permanent Residents of the United States. Agent Vega-Torres placed all of the subjects under arrest for their role in the smuggling scheme.

Agent Sedano advised BESS of his Miranda rights. BESS acknowledge understanding his rights and was willing to answer questions without an attorney present. BESS stated he received a call from a man named “Rafa”. BESS stated Rafa told him to pick up two illegal aliens at the Jack-in-the Box near the new Port of Entry. BESS stated Rafa told him the illegal aliens were inside the Jack in the Box and told him what they were wearing. BESS said the guide walked up to him inside the Jack in the Box and said “Let's go ”. BESS said the guide along with the two illegal aliens got into the truck with him.

BESS was shown a six pack photo line ups 1, 3, 4, 5, and 6. BESS positively identified photo #1 in line up #1 as the person inside Jack-in-the Box talking on the phone. Photo #1 represents, Alfredo GARCIA-Ortega. BESS also positively identified Photo #3 in Photo line up at got into his truck with him and sat in the front passenger seat. Photo #3 represents Erik MEDELLIN-Lopez.

Agent Vega-Torres read MEDELLIN his Miranda rights. MEDELLIN stated he understood his rights and was willing to answer questions without an attorney present. MEDELLIN stated he received a job offer two months ago smuggling illegal aliens into the United States. MEDELLIN stated he was going to receive $100.00 per illegal alien that he smuggled. MEDELLIN stated he took the illegal aliens to the Jack-in-the-Box.

Material Witness Oscar Armando GONZALEZ-Lorenzana, Jesus TOVAR-Venegas, and Vanessa Mavel MARTINEZ stated they crossed illegally into the United States by walking along a canal underneath a bridge. GONZALEZ, VENEGAS, and MARTINEZ stated they were going to pay between $600.00 and $2,000.00 to be smuggled into the United States.

Material Witness GONZALEZ was shown a photo line-ups. GONZALEZ identified photo number one in line-up number one as Alfredo GARCIA-Ortega as the person inside the Jack-in-The-Box Restaurant. GONZALEZ also identified photo number two in line-up number two as Michael BESS-Amarillas as the driver of the green Ford F-150 Pick-Up. GONZALEZ also identified photo number three in line-up number three as Erik MEDELLIN-Lopez as the foot guide.

Material Witness TOVAR was shown a photo line-ups. TOVAR identified photo number one in line-up number one as Alfredo GARCIA-Ortega as the person he made the smuggling arrangements with in Mexicali, Baja California, Mexico. TOVAR also identified photo number three in line-up number three as Erik MEDELLIN-Lopez as the foot guide. TOVAR also identified photo number four in line-up number four as Reynaldo SANCHEZ-Diaz as the driver of the green Mercedes.

The complainant states that the name of the Material Witness is as follows:

NAME	**PLACE OF BIRTH**
Oscar Armando GONZALEZ-Lorenzana	El Salvador
Jesus TOVAR-Venegas	Mexico
Vanessa Mavel MARTINEZ	El Salvador

Further, complainant states that Oscar Armando GONZALEZ-Lorenzana, Jesus TOVAR-Vegegas, and Vanessa Mavel MARTINEZ are citizens of a country other than the United States; that said they have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.